

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WAYNE PETTAWAY,)	
)	
v.)	C.A. No. 13-213 Erie
)	
MAXINE OVERTON, et al,)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff's Complaint was received by the Clerk of Court on July 16, 2013, and was referred to United States Magistrate Judge Susan Paradise Baxter for Report and Recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, issued on January 28, 2015, recommended that the Motion to Dismiss by the Commonwealth Defendants (Dkt. 64) be granted, and Defendants Zetwo, Clark, Overton, Giroux, Adams and Skindell be dismissed from this action. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by mail at SCI Albion, where he is incarcerated, and on Defendants. Objections were filed by Plaintiff on February 18, 2015 and February 20, 2015. After a de novo review of the pleadings and documents in the case, together with the Report and Recommendation and Objections thereto, the following order is entered:

AND NOW, this 24th day of March, 2015,

IT IS HEREBY ORDERED that the Motion to Dismiss by the Commonwealth Defendants (Dkt. 64) is GRANTED. Defendants Zetwo, Clark, Overton, Giroux, Adams and Skindell are dismissed from this action. The Report and Recommendation of Magistrate Judge Baxter, issued January 28, 2015, is adopted as the Opinion of the Court¹.



MARK R. HORNAK
United States District Judge

cc: Susan Paradise Baxter
U.S. Magistrate Judge

all parties of record

¹ The citation references to Durmer v. O'Carroll at page 6 of the Report and Recommendation is corrected to 991 F. 3d 64, 67 (3d Cir. 1993), and White v. Napoleon to 897 F. 2d 103, 109 (3d Cir. 1990).